

Application Serial No: 10/530,725
Responsive to the Office Action mailed on: May 13, 2008

REMARKS

This Amendment is in response to the Office Action mailed on May 13, 2008. Claims 1, 6 and 7 are amended. Claims 1 and 6 are amended editorially and are supported, for example, in the specification on page 13, lines 10-23 and in Figure 4. Claim 7 is amended editorially to track the amendments to claim 6. No new matter is added. Claims 1-13 are pending.

§112, Second Paragraph:

Claims 1-13 are rejected as failing to comply with the written description requirement and as being indefinite. In particular, the rejections assert that the feature of "by making a correction to account for fluctuations of measurement wavelength of the irradiate light" is not clear. This rejection is now moot, as claims 1 and 6 are amended to remove the features found indefinite and to recite "a calculation step for calculating a concentration of a specific component in the sample liquid based on a predetermined relationship between variations of response and variations of wavelength with respect to a reference board whose response varies continuously as the wavelength of light irradiated onto the reference board varies, and the first and second detection results" with respect to claim 1 and "a storage for storing the relationship between variations of response and variations of wavelength with respect to a reference board whose response varies continuously as the wavelength of light irradiated onto the reference board varies" with respect to claim 6. Withdrawal of this rejection is requested.

§102 Rejections:

Claims 1-13 are rejected as being anticipated by Matzinger (US Patent No. 5,780,304). This rejection is traversed.

Claim 1 is directed to an analyzing method that requires, inter alia, a calculation step for calculating a concentration of a specific component in the sample liquid based on a predetermined relationship between variations of response and variations of wavelength with respect to a reference board whose response varies continuously as the wavelength of light irradiated onto the reference board varies, and the first and second detection results. An advantage of these features is that an accurate optical measurement of the

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concentration of a specific component in a sample liquid can be obtained even if the wavelength of the light irradiated onto a reaction system deviates from an intended value.

Matzinger does not disclose or suggest these features. In Matzinger, adjustment is made so that each of different measuring apparatuses provides a proper quantity of light energy (i.e., intensity of light) of each LED that is designed to emit light at a fixed wavelength of 660 nm or 940 nm (see column 11, lines 16-18 and column 12, lines 25-56). Matzinger also includes a gray target (45) and a standard zone (60). However, the gray target (45) is not dependent on wavelength. The standard zone (60) only provides a higher reflectance than a reaction zone, and wavelength dependence of the standard zone (60) is not used for measurement correction (see column 9, line 66-page 10, line 21). Thus, any adjustment or correction made to the method is based on the assumption that each LED emits light at a fixed wavelength. Accordingly, nowhere does Matzinger disclose or suggest using a predetermined relationship between variations of response and variations of wavelength with respect to a reference board whose response varies continuously as the wavelength of light irradiated onto the reference board varies. Accordingly, Matzinger also cannot disclose or suggest a calculation step for calculating a concentration of a specific component in the sample liquid based on a predetermined relationship between variations of response and variations of wavelength with respect to a reference board whose response varies continuously as the wavelength of light irradiated onto the reference board varies, and the first and second detection results. An advantage of these features is that an accurate optical measurement of the concentration of a specific component in a sample liquid can be obtained even if the wavelength of the light irradiated onto a reaction system deviates from an intended value. For at least these reasons claim 1 is not suggested by Matzinger. Claims 2-5 depend from claim 1 and should be allowed for at least the same reasons.

Claim 6 is directed to an analyzing device that requires, among other features, a storage for storing the relationship between variations of response and variations of wavelength with respect to a reference board whose response varies continuously as the wavelength of light irradiated onto the reference board varies. Claim 6 also requires a calculator connected to the detecting unit and the storage for calculating a concentration

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of a specific component in the sample liquid based on said relationship and the first and second responses.

Matzinger does not disclose or suggest these features. As discussed above, in Matzinger, adjustment is made so that each of different measuring apparatuses provides a proper quantity of light energy (i.e., intensity of light) of each LED which is designed to emit light at a fixed wavelength of 660 nm or 940 nm (see column 11, lines 16-18 and column 12, lines 25-56). Matzinger also includes a gray target (45) and a standard zone (60). However, the gray target (45) is not dependent on wavelength. The standard zone (60) only provides a higher reflectance than a reaction zone, and wavelength dependence of the standard zone (60) is not used for measurement correction (see column 9, line 66-page 10, line 21). Thus, any adjustment or correction made to the method is based on the assumption that each LED emits light at a fixed wavelength. Accordingly, nowhere does Matzinger disclose or suggest a storage for storing the relationship between variations of response and variations of wavelength with respect to a reference board whose response varies continuously as the wavelength of light irradiated onto the reference board varies. Accordingly, Matzinger also cannot disclose or suggest a calculator connected to the detecting unit and the storage for calculating a concentration of a specific component in the sample liquid based on said relationship and the first and second responses. For at least these reasons claim 6 is not suggested by Matzinger. Claims 6-13 depend from claim 6 and should be allowed for at least the same reasons.

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Conclusion:

Applicant respectfully asserts that claims 1-13 are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.

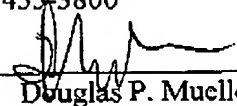


Dated: October 14, 2008

Respectfully submitted,

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